

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JACE R. YZAGUIRRE,

Plaintiff,

-v-

DAVE LEVIN, *et al.*,

Defendants.

24-CV-1500 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On May 16, 2025, *pro se* plaintiff Jace R. Yzaguirre filed a letter requesting the Court permit him to “maintain” his in forma pauperis status as he appeals this Court’s judgment to the United States Court of Appeals for the Second Circuit. (ECF No. 85.) Yzaguirre originally paid the filing fee in this action, and neither moved for nor received leave to proceed in forma pauperis. Thus, he is ineligible to “proceed in forma pauperis without further authorization” per Federal Rule of Appellate Procedure 24(a)(3). Instead, Yzaguirre “must file a motion in the district court” and “attach an affidavit [or sworn declaration] that: (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party’s inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal.” Fed. R. App. P. 24(a)(1). Yzaguirre’s current filing properly claims an entitlement to redress and states the issues he intends to present on appeal, but omits information showing his “inability to pay or to give security for fees and costs.”

Accordingly, Yzaguirre is ORDERED to file, by **June 11, 2025**, an affidavit or sworn declaration that complies with Federal Rule of Appellate Procedure 24(a)(1). He is strongly

encouraged to use Form 4 of the Appendix of Forms (“Affidavit with motion to proceed in forma pauperis”): [https://www.ca2.uscourts.gov/clerk/case\\_filing/forms/forms\\_home.html](https://www.ca2.uscourts.gov/clerk/case_filing/forms/forms_home.html).

SO ORDERED.

Dated: May 21, 2025  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge